

109TH CONGRESS  
1ST SESSION

# H. R. 558

To amend title 10, United States Code, to revise the age and service requirements for eligibility to receive retired pay for non-regular service; to expand certain authorities to provide health care benefits for Reserves and their families, and for other purposes.

---

## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 2, 2005

Mr. LATHAM (for himself, Mr. WILSON of South Carolina, Mr. BARTLETT of Maryland, Mr. TAYLOR of Mississippi, Mr. CANNON, Mr. MCGOVERN, Mr. GREEN of Wisconsin, Mr. KIND, Mr. MCCOTTER, Mr. STUPAK, Mr. LYNCH, Mr. SCHWARZ of Michigan, Mr. BOUCHER, Mr. BAKER, Mrs. CAPITO, Mr. NORWOOD, Mr. GOODE, Mr. SHAW, Mr. ROSS, Mr. GORDON, Mr. BLUNT, Mr. SIMPSON, Mrs. MCCARTHY, and Mr. FORD) introduced the following bill; which was referred to the Committee on Armed Services

---

## A BILL

To amend title 10, United States Code, to revise the age and service requirements for eligibility to receive retired pay for non-regular service; to expand certain authorities to provide health care benefits for Reserves and their families, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Guard and Reserve  
3 Readiness and Retention Act of 2005”.

4 **SEC. 2. ELIGIBILITY FOR RETIRED PAY FOR NON-REGULAR**  
5 **SERVICE.**

6 (a) AGE AND SERVICE REQUIREMENTS.—Subsection  
7 (a) of section 12731 of title 10, United States Code, is  
8 amended to read as follows:

9 “(a)(1) Except as provided in subsection (c), a person  
10 is entitled, upon application, to retired pay computed  
11 under section 12739 of this title, if the person—

12 “(A) satisfies one of the combinations of re-  
13 quirements for minimum age and minimum number  
14 of years of service (computed under section 12732 of  
15 this title) that are specified in the table in para-  
16 graph (2);

17 “(B) performed the last six years of qualifying  
18 service while a member of any category named in  
19 section 12732(a)(1) of this title, but not while a  
20 member of a regular component, the Fleet Reserve,  
21 or the Fleet Marine Corps Reserve, except that in  
22 the case of a person who completed 20 years of serv-  
23 ice computed under section 12732 of this title before  
24 October 5, 1994, the number of years of qualifying  
25 service under this subparagraph shall be eight; and

1 “(C) is not entitled, under any other provision  
 2 of law, to retired pay from an armed force or re-  
 3 tainer pay as a member of the Fleet Reserve or the  
 4 Fleet Marine Corps Reserve.

5 “(2) The combinations of minimum age and min-  
 6 imum years of service required of a person under subpara-  
 7 graph (A) of paragraph (1) for entitlement to retired pay  
 8 as provided in such paragraph are as follows:

Age, in years, is at least:	The minimum years of service required for that age is:
53 .....	34
54 .....	32
55 .....	30
56 .....	28
57 .....	26
58 .....	24
59 .....	22
60 .....	20”.

9 (b) 20-YEAR LETTER.—Subsection (d) of such sec-  
 10 tion is amended by striking “the years of service required  
 11 for eligibility for retired pay under this chapter” in the  
 12 first sentence and inserting “20 years of service computed  
 13 under section 12732 of this title.”.

14 (c) EFFECTIVE DATE.—This section and the amend-  
 15 ments made by this subsection (a) shall take effect on the  
 16 first day of the first month beginning on or after the date  
 17 of the enactment of this Act and shall apply with respect  
 18 to retired pay payable for that month and subsequent  
 19 months.

1 **SEC. 3. EXPANDED ELIGIBILITY OF SELECTED RESERVE**  
 2 **MEMBERS UNDER TRICARE PROGRAM.**

3 (a) **GENERAL ELIGIBILITY.**—Subsection (a) of sec-  
 4 tion 1076d of title 10, United States Code, is amended—

5 (1) by striking “(a) **ELIGIBILITY.**—A member”  
 6 and inserting “(a) **ELIGIBILITY.**—(1) Except as pro-  
 7 vided in paragraph (2), a member”;

8 (2) by striking “after the member completes”  
 9 and all that follows through “one or more whole  
 10 years following such date”; and

11 (3) by adding at the end the following new  
 12 paragraph:

13 “(2) Paragraph (1) does not apply to a member who  
 14 is enrolled, or is eligible to enroll, in a health benefits plan  
 15 under chapter 89 of title 5.”.

16 (b) **CONDITION FOR TERMINATION OF ELIGI-**  
 17 **BILITY.**—Subsection (b) of such section is amended by  
 18 striking “(b) **PERIOD OF COVERAGE.**—(1) **TRICARE**  
 19 **Standard**” and all that follows through “(3) **Eligibility**”  
 20 and inserting “(b) **TERMINATION OF ELIGIBILITY UPON**  
 21 **TERMINATION OF SERVICE.**—**Eligibility**”.

22 (c) **CONFORMING AMENDMENTS.**—

23 (1) Such section is further amended—

24 (A) by striking subsection (e); and

25 (B) by redesignating subsection (g) as sub-  
 26 section (e) and transferring such subsection

1           within such section so as to appear following  
2           subsection (d).

3           (2) The heading for such section is amended to  
4       read as follows:

5       **“§ 1076d. TRICARE program: TRICARE standard cov-**  
6               **erage for members of the selected re-**  
7               **serve”.**

8       (d) REPEAL OF OBSOLETE PROVISION.—Section  
9       1076b of title 10, United States Code, is repealed.

10       (e) CLERICAL AMENDMENTS.—The table of sections  
11       at the beginning of chapter 55 of title 10, United States  
12       Code, is amended—

13           (1) by striking the item relating to section  
14       1076b; and

15           (2) by striking the item relating to section  
16       1076d and inserting the following:

      “1076d. TRICARE program: TRICARE Standard coverage for members of the  
          Selected Reserve.”.

17       (f) SAVINGS PROVISION.—Enrollments in TRICARE  
18       Standard that are in effect on the day before the date of  
19       the enactment of this Act under section 1076d of title 10,  
20       United States Code, as in effect on such day, shall be con-  
21       tinued until terminated after such day under such section  
22       1076d as amended by this section.

○